



COUNTY OF LOS ANGELES
Public Health

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February 21, 2007

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. *Jonathan E. Fielding*
Director and Health Officer

SUBJECT: **7th STREET PRODUCE MARKET**

On February 6, 2007, the Board approved two motions concerning the KNBC-TV report depicting unsafe food storage practices, lax enforcement practices and inappropriate behavior of wholesale food market operators at the 7th Street Wholesale Produce Market.

Supervisor Burke's motion instructed me to 1) report back within 15 days with a specific plan to address public health problems at the wholesale produce markets, specifically the 7th Street Wholesale Produce Market, including review of such options as more frequent inspections, revised inspection criteria, and increased sanctions for violations, and 2) conduct an investigation of staff failures in the inspection of the market.

The motion by Supervisors Antonovich and Yaroslavsky, instructed me to report back within 15 days on 1) recommendations for increasing the number of produce vendor inspections to be required on an annual basis, 2) any appropriate changes in either State or County regulations and/or codes related to licensing, inspection and enforcement of wholesale produce facilities, 3) improving coordination between cities and the County in permitting and inspecting the condition and operation of wholesale produce facilities, 4) a review of the violations that have been rendered or given to other distribution centers within Los Angeles County to see if there's a pattern, or if the 7th Street Market is an exception, 5) a timeline of actions taken by the on-site inspectors responsible for carrying out the health rules and regulations in these distribution centers, and 6) whether County Counsel can assist in determining, in coordination with the City of Los Angeles, if any legal actions need to be taken in relation to the 7th Street Market violations.

This is the report with information on actions Public Health has taken and recommendations which will improve protection of the public.

ACTIONS TAKEN

We have taken the following actions concerning the 7th Street Produce Market and other wholesale facilities.

- On February 16, 2006, Environmental Health staff and I held a meeting at my request with the owners and managers of the 7th Street Market complex and gave them a letter (attached) which summarized each violation, which ones that were abated, which were still outstanding, and other recommendations for operation of the market.
- In the 7th Street Wholesale Market, since November 29, 2006, we have taken the following specific actions: 1) inspected all wholesale food markets within the complex which resulted in 51 hearings, 63 closures, 3 permit revocations and 2 markets that voluntarily went out of business; 2) completed a survey to determine the extent of vermin infestation within the complex that resulted in citations issued to the complex operators; 3) issued citations to all customers and/or vendors observed dumping trash or cast-off produce on the ground, and 4) held two meetings attended by the wholesale food market operators clarifying code requirements and necessary compliance actions. We have conducted a total of 228 routine, compliance, or complaint inspections.
- Since February 2, we have had inspectors at the market on a daily basis, during which time the following violations were found: improper food storage, overflowing garbage receptacles, accumulated cast-off, bird feces, bird and rodent carcasses in the vacant interior spaces, and rodent infestations and/or lack of rodent proofing in vacant interior spaces/exterior premises. Overall, the condition of the market has improved in the following ways: 1) no produce dumped on the ground, 2) no food products stored near garbage or trash receptacles, 3) common restrooms consistently supplied with hot water, soap and towels, 4) little or no rodent activity observed in the food storage spaces and 5) all tenants have trash pick-up service.
- In order to determine if similar conditions exist at the other facilities inspected by the same inspector, we have inspected the following wholesale produce complexes and markets: 1) Eighth Street Produce Market (containing 37 wholesale markets), 2) Overland Terminal (containing 17 wholesale markets), and 3) Casablanca Produce Market (containing 4 wholesale markets). Additionally, 6 out of 62 stand alone (non complex) wholesale markets were inspected. The 64 inspections resulted in 33 closures and 43 hearings. A total of 131 out of 282 wholesale food market sites have been inspected to date. Although the conditions at these markets were not as bad as the conditions at the 7th Street Market, we did find the following violations: rodent infestation, lack of hot water, floor, walls and/or ceilings in disrepair/unclean, inadequate rodent proofing and lack of public health license.
- In addition, we filed 25 Reports of Investigation in support of criminal complaints, including one against the owner/operator of the 7th Street Wholesale Market Complex, with the Los Angeles City Attorney's office. An additional seven reports will be filed by March 9, 2007. City Attorney staff expect the health cases to be joined with cases filed on behalf of the Los Angeles City Department of Building and Safety.

RECOMMENDATIONS ON CHANGES IN STATE OR COUNTY REGULATIONS

Department staff met with County Counsel and reviewed the State statutory authority for wholesale food inspections and the County code in this area in an effort to identify additional opportunities for the County to assure safe food handling practices at wholesale markets. Based on that review, Counsel believes that State statute does not preclude the County from imposing further requirements on owners of the facilities/complexes housing wholesale food markets.

Thus, Department staff and Counsel are drafting a proposed ordinance which will require that the owners of any wholesale produce facility to obtain a Public Health license (in addition to the licenses issued to each individual vendor). An annual license fee will be proposed which will cover the cost of regular inspections of the operators of the overall facility/complex. The inspections will cover common areas such as trash storage, janitorial and restroom facilities under the control of wholesale produce complex operators. The proposed code amendment will specify the responsibilities and operating standards for wholesale food facilities. In addition, we will propose revisions of existing provisions to further clarify and require greater standards of food protection, storage and handling for wholesale food establishments including wholesale produce markets.

In addition to the existing ability to cite the facility owner for general public health violations, requiring a license of the facility owner will give us additional ability to cite and impose fines on the facility operator for failure to comply with specific standards of operation for these facilities. Most provisions in the County code are classified as misdemeanors, carrying a maximum penalty of \$1,000.00 fine or six months in jail.

We expect to complete this ordinance in time to file it for the Board's consideration at the March 27, 2007, meeting of the Board.

RECOMMENDATIONS FOR IMPROVING COORDINATION BETWEEN CITIES AND THE COUNTY

All of the wholesale produce market vendor facilities which are licensed are within the City of Los Angeles. I spoke with both the Los Angeles City, Director of Building and Safety, and the Chief Deputy City Attorney. Both pledged their cooperation in this endeavor.

At the staff level, we determined that a system of referrals exists but we do not have a system to follow up to determine if appropriate action has been taken. Department staff will be contacting various city agencies (e.g. Licensing, Building and Safety and Fire Departments, etc.) to improve the protocols for the exchange and feedback on information referred between agencies.

PLAN TO ADDRESS PUBLIC HEALTH PROBLEMS

Our review of the records and inspection practices related to wholesale produce market inspections revealed deficiencies in the consistent application of program standards and supervisor oversight. The vast majority of the wholesale food market inspection inventory was assigned to a single inspector, supervised by the district retail food facility inspection program. Of the 282 total sites, 275 of them were assigned to this inspector. [Since the average number of retail sites assigned to an inspector is about 300, the total number assigned to this inspector was not excessive.] Unannounced inspections were conducted on a frequency of one initial routine inspection per year with follow-up inspections performed as necessary.

In response to these findings we are taking the following actions:

- 1 Effective February 13, 2007, the entire wholesale market inventory was reassigned from the retail food inspection program to the Food and Milk Program, which routinely inspects wholesale food processors. All wholesale inspections will now occur from a single specialized unit.
- 2 The wholesale market inventory will be divided between at least two inspectors. Inspectors assigned to routine wholesale food establishment inspections will be subject to the same frequency of quality assurance reviews as the retail inspectors and rotated every two years.
- 3 After we have completed our current intensive inspection process, the frequency of routine wholesale produce market vendor inspections will be increased from 1 per year to a minimum of 2 per year. Those vendor facilities found to have repetitive high risk violations or have a permit suspension will be assigned to a higher risk group and receive an additional annual inspection. With re-inspections and additional risk-based inspections, the average number of total inspections will be substantially above 2 per year.
- 4 Inspection of wholesale food markets will include periodic inspections during early mornings (starting at 2:00 a.m.) to ensure that safe food storage and handling practices are being followed when wholesalers are starting business as well as in full operation.
- 5 If the Board approves the proposed ordinance changes which will require the owners of the overall facilities to obtain a license, we will provide routine inspections of these facilities as a whole an average of 2 times per year with frequency predicated on risk based on the results of past performance and the physical configuration of the facility. In addition, each time that an inspector enters the complex to inspect a specific vendor, he/she will note any problems associated with the common areas and issue notices of violation to the owner/operator of the facility, as needed.
- 6 An advisory, listing requisite produce safety precautions and informing retailers that they must purchase produce from approved sources, will be posted on the Department's website and hand delivered to retail food establishments during the routine inspections.
- 7 Environmental Health inspectors will continue to issue citations to patrons and operators at wholesale markets who are observed dumping produce waste and/or trash on the ground.

INVESTIGATION OF STAFF FAILURES

I have directed the Inspection and Audit Division of Public Health to investigate and report back to me its findings regarding the failures at the 7th Street Wholesale Market associated with inspections conducted by Public Health staff. This investigation will produce a timeline of actions taken by on-site inspectors responsible for these inspections. The investigation is underway and is expected to be completed within 60 days.

I will provide you with an update on our progress at the time we file the proposed ordinance for your approval. In the meantime, if you have any questions, please let me know.

JEF:tp
PH:702:002

Attachment

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors



JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

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February 16, 2007

John Maddux, President
Meruelo Maddux Properties, Inc.

John Durham, Facilities Manager
Alameda Produce Market, Inc.
746 South Central Avenue
Los Angeles, California 90021

Dear Sirs:

This letter is intended to provide you with a summary of health code violations my staff discussed with your representatives at two recent meetings, as well as to direct your attention to several outstanding violations that require immediate corrective action.

As you are aware, many of your wholesale food market tenants were issued Official Food Inspection reports for health and safety violations and many others were shut down for these violations and/or for operating without a public health license. In addition to the problems which the individual tenants were cited for, the inspections revealed a number of health code violations associated with the complex and its operation. These violations required the following remedial actions by your organization:

1. Elimination of rodent infestation.
2. Eliminate gaps beneath facility doors to prevent vermin entry.
3. Remove accumulated trash and debris.
4. Repair/replace all broken/missing windows at second floor above all food storage areas so as to eliminate the potential for overhead contamination.
5. Repair all damaged exterior walls.
6. Implement aggressive rodent abatement program eliminating rodent boroughs and other harborage areas.
7. Remove all discarded produce, waste materials, trash, garbage and cast-off items from the ground surface and around the market property.
8. Clean and sanitize the attic areas above the individual storage lockers so as to be free of birds, bird droppings, dead birds, rodent droppings, rodents, insects, garbage and feces.
9. Replace or board up all missing/broken windows at the attic areas in approved manner.
10. Properly rodent proof all areas of the building complex including the roll down doors, cracks and holes in the walls where rodents might enter.

11. Discontinue allowing customers/tenants to cull fruit and vegetables on the premises and leaving the remnants on the ground.
12. Provide hot water to all hand wash sinks at all times.
13. Provide the adequate cleaning of the ground surface nightly to prevent accumulation of food product residue as being an "attractive nuisance" for insects and rodents.
14. Properly clean and maintain ground surface area due to stagnant water under the canopies, and also large amount of produce, cardboard boxes & paper.
15. Replace missing faucet fixtures to hand wash sinks in the restrooms.
16. Repair damaged walls, ceiling, floor, floor in restrooms. Observed peeling paint on the walls in the restrooms, and damaged/missing broken base coving in the restrooms.
17. Provide single use soap dispensers, and single use soap to restrooms.
18. Discontinue allowing unlicensed operators at tenant spaces.
19. Repair leaking water line at parking canopy.
20. Repair inoperable toilets.

These violations were detailed in Notices of Violation dated 12/14/06, 1/24/07, 1/25/07, and 1/26/07 and were provided to your representatives. To date, items 1-6, 8-10, 13-14, and 18 have not been corrected and require immediate abatement. Note in the event any outstanding violations are not corrected immediately, the department shall take any necessary legal actions against the 7th Street Market and its owners /operators in order to ensure that public health and safety are not compromised.

The following additional violations are also brought to your attention and listed on a Notice of Violation dated 2/15/07:

1. Maintain the installed clarifier so as to be fully operable and rodent proof.
2. Provide overhead protection for all food in staging area.
3. Provide additional suitably located restroom facilities in compliance with local and state health codes.
4. Provide adequate lighting throughout all loading and staging areas.
5. Provide daily removal of trash, debris and/or garbage.
6. Provide trash/garbage receptacles with covers.

Items 1-4 have a compliance date of March 1, 2007. Item 5 requires immediate compliance.

The following recommendations have been made by department staff to your representatives and tenants as important to achieve sustained sanitary conditions and best operating practices:

- Establish an appropriate and defined staging area for loading and receiving food products.
- Renovate/Repair parking lot/proposed staging area to:
 - 1) Eliminate potholes, cracking, etc. that are conducive to the pooling of liquid waste.
 - 2) Provide appropriate surface grading to ensure that liquid waste drains into trench drains and clarifier.
- Establish specified 'time-limited' areas for the loading and unloading of food product.
- Contract a single pest control operator for entire facility, including tenant spaces, to facilitate a coordinated effort utilizing integrated pest management practices.
- Establish a designated refuse receptacle storage area, physically segregated from loading and staging operations.
- Provide adequate and effective security to control vehicle and customer entry, parking.

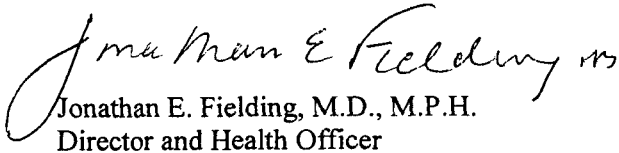
Messrs. John Maddux and John Durham
February 16, 2007
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Consistent with discussions at both meetings, we will continue our enhanced frequency of inspections until full compliance is achieved.

If you should have any questions or require additional information, please contact Terrance Powell, Acting Director, Environmental Health at (626) 430-5100.

I look forward to your cooperation and responsiveness to assure safe food practices.

Very truly yours,



Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

c: Board of Supervisors
Los Angeles City Department of Building and Safety
Los Angeles City Attorney